

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CT RESIDUAL HOLDINGS, INC.,

Plaintiff,

Case No. 19-cv-13451

Hon. Matthew F. Leitman

v.

APTIV CORPORATION, *et al.*,

Defendants.

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**ORDER GRANTING PLAINTIFF LEAVE  
TO FILE SECOND AMENDED COMPLAINT**

On November 14, 2019, Plaintiff CT Residual Holdings, Inc. (“CT”) filed this breach of contract and contractual indemnification action in the Oakland County Circuit Court against Defendants APTIV Corporation and APTIV’s predecessor Delphi Corporation. (*See* Compl. and First Am. Compl., ECF #1-2.) APTIV thereafter removed this action to this Court. (*See* Notice of Removal, ECF No. 1.)

APTIV has now moved to dismiss the First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot., ECF No. 8.) APTIV argues, among other things, that the First Amended Complaint does not plead sufficiently detailed or specific factual allegations and is, therefore, defective for failing to state a plausible claim under the Supreme Court’s decisions in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). (*See id.*, PageID.56-57, 59.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant CT the opportunity to file a Second Amended Complaint in order to

remedy the purported pleading defects identified by APTIV. The Court does not anticipate allowing CT another opportunity to amend to add factual allegations that it could now include in its First Amended Complaint. Simply put, this is CT's opportunity to allege any and all additional facts, currently known to it, that may cure the alleged pleading deficiencies in the First Amended Complaint.

By **December 16, 2019**, CT shall notify the Court and APTIV in writing whether it will amend the First Amended Complaint or respond to the motion to dismiss. If CT provides notice that it will be filing a Second Amended Complaint, it shall file that amended pleading by no later than **December 30, 2019**, and Defendants shall answer or otherwise respond to it by no later than **January 20, 2020**. Upon the filing of a Second Amended Complaint, the Court will terminate without prejudice APTIV's currently-pending motion to dismiss as moot. If CT provides notice that it will not be filing a Second Amended Complaint, it shall file its response to APTIV's motion to dismiss in accordance with the Court's Local Rules.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
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MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: December 4, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 4, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda  
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Case Manager  
(810) 341-9764